

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JULIO OZUNA,

Defendant.

20-cr-00213 (MKV)

**ORDER DENYING
DEFENDANT'S MOTION
TO DISMISS AS MOOT**

MARY KAY VYSKOCIL, United States District Judge:

On November 1, 2021, the Court sentenced Defendant Julio Ozuna to a term of 200 months of imprisonment for his conviction, following a guilty plea, for attempted Hobbs Act robbery causing death, in violation of Title 18, United States Code, Sections 1951 and 2. [ECF No. 221]. On May 6, 2024, Defendant, proceeding *pro se*, filed a motion requesting a sentence reduction pursuant to both (1) Amendment 821 to the Sentencing Guidelines Amendments, and (2) 18 U.S.C. § 3582(c)(2) (Compassionate Release). [ECF No. 298]. The Court issued a Scheduling Order directing the Government to submit a letter stating its position on Defendant's motion on or before June 14, 2024. [ECF No. 301]. The Government timely submitted an opposition to Defendant's motion. [ECF No. 305]. Thereafter, on June 24, 2024 the Court denied Defendant's motion for a sentence reduction. [ECF No. 306].

On March 26, 2025, Defendant, proceeding *pro se*, filed a letter arguing that the Court should not consider the Government's opposition because it was untimely and therefore his "pending motion" for a sentence reduction should be treated as unopposed. [ECF No. 311]. However, as this Court has detailed above, the Government submitted a timely opposition to Defendant's motion [ECF No. 205], and back in June 2024 this Court denied Defendant's motion. [ECF No. 306]. There is no pending motion for a sentence reduction in front of this Court, and thus, Defendant's newly filed "motion to dismiss" is DENIED as moot.

The Clerk of Court is respectfully requested to mail to Defendant a copy of this Order, the Court's prior scheduling Order [ECF No. 301], the Government's timely opposition [ECF No. 305], and the Court's prior Order denying Defendant's motion for a sentence reduction [ECF No. 306]. The Clerk of Court is respectfully requested to terminate the motion pending at docket entry number 311.

SO ORDERED.

Date: April 14, 2025
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge